

**Remarks**

Claims 26, 27, 31, 32, and 40 remain in the application.

Claim 40 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The rejection continues that the claim contains subject matter which was not described in the specification...and the newly added limitation "the conference server indicates the conference initiator" is not supported in the specification.

It is respectfully suggested that the Examiner is incorrect. The specification at page 20 lines 24-29 reads as follows:

In addition, Communication Controller 114 keeps information in the SEC Database 130 indicating that User A created conference PC1 and is considered the owner. Persistent conference owners have special capabilities that apply to persistent conferences, such as being able to delete the conference, or change the security keys of the conference. Owners can also block selected users from joining the conference or simply specify a list of users who are allowed to join the conference.

Claim 40 as currently amended recites, in relevant parts, that "a user communicating with a conference server to initiate and receive conference participation requests" and "... the conference server indicates the conference creator...."

It is respectfully submitted that the claim language is supported by the specification portion above. Namely, the Communication Controller 114 keeps information in the SEC database indication that User A created the conference supports the language in claim 40. The Examiner is invited to contact the undersigned if other claim language is deemed desirable by the Examiner which would expedite prosecution of the application.

The rejection of claim 40 concludes with the sentence "Giloi, Ganesan and Gudjonsson do not explicitly teach claim limitation of indicating the conference initiator and permitting users who left the conference to rejoin the conference. However, "Official Notice" is taken that the concept and advantages of indicating initiator and permitting users who left the conference to rejoin the conference are old and well known in the art."

It is respectfully submitted that the rejection of the claim 40 limitation related to the indicating of the conference creator and the allowing users who left the conference to rejoin which is not found in the cited art of record and which rejection is based on Official Notice is improper.

MPEP §2144.03 states that Official Notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. Also, It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. Finally, it is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. It is respectfully submitted therefore that claim 40 cannot be rejected on the bases of "Official Notice".

The prior art cited by the Examiner regarding the claims, including claim 40, has been argued in prior amendments during the prosecution of the application and is reiterated herein by reference.

Therefore, it is respectfully submitted that claim 40 should be deemed allowable over the art of record.

Claims 26, 27, 31, 32, and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Giloi et al (US Patent No. 6,850, 985) in view of Ganesan (US Patent No. 5,737,419) and further in view of Gudjonsson (US Patent No. 6,564,261).

Claims 26, 27, 31, and 32 are dependent claims and should be likewise deemed allowable over the art of record.

Reexamination, reconsideration and allowance of claims 26, 27, 31, 32, and 40 pending in the application are respectfully solicited.

Authorization is hereby given to charge Deposit Account No. 02-1822 the requisite fee under 37 C.F.R. 1.17(a) of \$1,050.00 for a three (3) month extension of time to reply the Office Action.

Respectfully submitted,



Philip J. Feig  
Reg. No. 27,328  
732-699-7997